

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
April 6, 2006 Meeting Minutes**

Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Rich Williams, Town Planner, Gene Richards, Representative from Town Engineer's Office, Dufresne-Henry, Anthony Molè, Attorney with Curtiss, Leibell & Shilling and Ted Kozlowski, ECI.

Meeting called to order at 7:32 p.m.

There were approximately 8 audience members.

Vice Chairman Montesano took the seat of the Chairman in his absence.

1) THE DUFFLE BAG – Sign Application

Vice Chairman Montesano stated the Duffle Bag sign application.

Brian Benedict stated his name and Duffle Bag Incorporated, Patterson, New York.

Brian Benedict stated the application is just for the top of the building right now.

Board Member DiSalvo stated there was a sign up there already right.

Mr. Benedict replied yes.

Vice Chairman Montesano was discussing a photograph of a sign with Board Member Rogan (unable to hear to transcribe).

Board Member Rogan stated I did not realize you are moving. I thought you were down here.

Mr. Benedict stated well when was the last time you came in.

Board Member Rogan stated I was in in the fall or November or so.

Mr. Benedict stated believe it was a fast, Jeanne said Dad it is open let's go.

Board Member Rogan stated that is why I was confused why they were showing me signs for a different location.

Board Member Pierro stated just to let you know what we are discussing there is a stanchion outside, apparently a few of those signs may not have applied for applications for a sign permit for utilizing that.

Mr. Bendedict stated that is why I am here.

Board Member Rogan stated but this gentleman does not have anything to do with that.

Board Member Pierro stated you don't have nothing to do with that but there may come a time if you chose to put a sign out on that stanchion that you might have to apply for another permit for that.

Board Member Rogan stated Brian, the only issue I think we are going to have is that we adopted a sign ordinance for the Hamlet, which this location would be a part of, and using specified colors. There were three different color schemes that we were shooting for. You can pick and you can discuss with Rich. White with forest green letters would that meet the intent though I thought that it was more the background three main colors that we were looking for so white with forest green colors would meet that intent.

Rich Williams stated it is just the opposite of what other people had approved.

(Unable to hear too many talking at the same time unable to transcribe)

Board Member Rogan stated I guess when we were talking the forest green, blue and red colors I guess when I was talking about those colors I was always thinking that those were the background colors with either gold leaf or a certain color as the lettering.

Rich Williams stated I can double check the Code.

Board Member Rogan stated as long as it complies with that, the size is twenty-four square feet is within the Code correct, Rich.

Rich Williams replied yes.

Board Member Rogan made a motion in the matter of Brian Bendedict that the Planning Board grants a negative determination of significance of SEQRA and approves the sign application for a twenty-four square foot sign to comply with the Town approved colors for The Duffle Bag. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye

Vice Chairman Montesano - aye

Motion carried by a vote of 4 to 0.

Mr. Benedict thanked the Board.

Board Member Rogan stated thanks Brian I am glad you are staying in Town.

2) **KESMAN BROTHERS SUBDIVISION**

Mr. Bill Brickelmaier, Insite Engineering was present representing the Applicant.

Board Member Rogan asked is the purpose of this amendment just to change, just as it says just to change the designations on the lots no other changes.

Mr. Brickelmaier stated there is also a change to the lot line adjustment.

Rich Williams stated right essentially what it is, is the original approval required the cabana to be removed upon further consideration the Kessman family chose not to remove it which required further adjustment between property boundaries between Lot 1 B and A.

Board Member Rogan stated so here is the modification it is like a dog leg out and around to make the patio area, the cabana within Code then for setbacks. Do we need to do a public hearing on this.

Rich Williams replied you might want to ask Anthony.

Anthony Molé stated a public hearing wouldn't be necessary you don't usually do public hearings on lot line adjustments. The question was posed from the Board as to whether it could be an amendment of the prior resolution approving this lot line adjustment. I was asked for my opinion. My opinion is that it would have to be a new application and a new resolution not an amendment of the prior resolution to be procedurally correct in what you are doing, part of that is because there was a conditional approval on the previously proposed lot line adjustment. That approval required that within a hundred and eighty days pursuant to the Code the cabana had to be removed, the conditions had to be satisfied. None of that has been done in fact it is my understanding that the reason they are now looking for the lot line change is to keep the cabana. We are beyond the hundred and eighty days from the approval so technically there is no resolution to amend at this point. It would be a new application for this lot line adjustment.

Board Member Rogan stated so it is an application with a hundred dollar fee for a lot line adjustment and we can take care of it in one meeting.

Board Member Pierro stated I had one other question, the access I know we granted a driveway access for the framed barn, there is an already paved access road it is not shown on any of the maps yet is that going to be corrected or are we going to use the existing driveway from Lot 1 B.

Rich Williams stated what you did is you allowed them to continue to use this driveway coming here referring to the plan.

Board Member Pierro asked do we have that easement in place.

Rich Williams replied there was no requirement that there be an easement.

Board Member Pierro asked what if this property gets purchased.

Rich Williams stated then they would have to develop a driveway.

Board Member Pierro stated and that is what we did.

Rich Williams stated yes. Are you guys comfortable with that.

Board Member Pierro stated fine.

Mr. Brickelmaier stated I think we also need an extension.

Board Member Rogan asked for like ninety days that would cover the approval of the approval for this. We could do the extension tonight.

Board Member Rogan made a motion in the matter of Kessman Brothers that the Planning Board grant a ninety day extension on the subdivision. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Vice Chairman Montesano	-	aye

Motion carried by a vote of 4 to 0.

3) MALIZIA PROPERTY – Fill Permit/Wetlands Watercourse Permit

Mr. & Mrs. Malizia were present.

Board Member Rogan asked could you just state your name for the record please.

Frank Malizia stated his name.

Board Member Rogan stated I was reading the application and one thing I noticed is you had to notify quite a few people. You have a lot of neighbors within five hundred feet.

Mrs. Malizia stated we do.

Board Member Rogan stated there was like forty some odd people.

Board Member Rogan asked can you explain to us what the purpose of the fill would be.

Mr. Malizia stated the purpose of the fill is to reinforce my driveway. There is an existing timber wall which you do have pictures.

Board Member Rogan stated yes thank you for those by the way.

Mr. Malizia stated and the retaining wall obviously was not built properly and it is just teetering over from I guess the motion of the ground or whatever. What I am proposing to do is put up a new retaining wall, which will be up to Code and will retain the soil that I am proposing to bring in.

Board Member Rogan asked what kind of retaining wall.

Mr. Malizia stated it will be a pressure treated lumber.

Board Member Rogan stated Rich, my only concern on this would be “a” the design of the retaining wall and what kind of slope it is on. It looks like the slope here is considerable.

Mr. Malizia stated it is a considerable slope but what I am planning to do is to step the retaining wall.

Board Member Rogan asked like a terrace.

Mr. Malizia replied yes.

Board Member Pierro asked how tall is that wall going to be.

Mr. Malizia stated I guess I would probably go with a five foot tier on the way up.

Board Member Pierro stated you may want to consider block, concrete block.

Mr. Malizia stated economically, economically speaking it is,

Board Member Pierro stated the cost of pressure treated, it is only a suggestion, the cost of pressure treated is going up drastically and it may be cheaper and quicker.

Mr. Malizia asked what type of block were you saying.

Board Member Pierro replied concrete.

Mr. Malizia asked like,

Board Member DiSalvo stated big blocks.

Mr. Malizia asked like what they call Mafia block.

Board Member Rogan stated that is what we always refer to it as.

Mr. Malizia stated that is an alternative.

Vice Chairman Montesano stated they have that guy over there,

Board Member DiSalvo stated Mid-Hudson Concrete.

Mr. Malizia stated I could probably get that direct from like one of the concrete plants.

(Unable to transcribe too many talking at the same time).

Mr. Malizia stated I also work in that field of work so I know a few places I could probably get the block from.

Vice Chairman Montesano asked Ted, do you.

Ted Kozlowski asked I believe Frank is the wall going to be over four feet.

Mr. Malizia asked in total height.

Ted Kozlowski stated yes. If it is over four feet you are not going to be able to use the block.

Mr. Malizia stated it will be over four feet.

Gene Richards stated generally, Frank I am with the Town Engineer's office, generally anything that is over four feet we look for an engineer to design to make sure that it is structurally sound and stable. What Dave is talking about is they have these modular block retaining wall systems and they can actually do the engineering for you (unable to hear).

Board Member Pierro asked what is the prohibition on concrete, on four foot.

Ted Kozlowski stated the amount of pressure. There is a tremendous amount of fill that has to go into that site.

Board Member Pierro stated similar to what we used on the corner of 164 and 22.

Mr. Malizia stated on 164 and 22 they used what they called riprap stone.

(Too many talking at the same time unable to transcribe).

Ted Kozlowski stated I spoke with Frank on the phone at length last night and there is no doubt that these folks need relief. This whole thing is collapsing as we speak.

Board Member Pierro stated I don't want to see it happen again.

Ted Kozlowski stated the problem is that Frank does not have an estimate of how much fill has to go in and we don't have any details on what kind of wall is going to hold this back. It is not a situation where you can just put fill in, grade it down, and seed it. It is not going to hold. It is way too steep of slope so it has to be retained in some manner. The application really does not reflect that.

Mr. Malizia stated the application I had like one day to get it in to be here at this meeting.

Board Member Rogan stated understood.

Mr. Malizia stated so I kind of rushed through things just to get it in motion.

Board Member Rogan stated the good news is you are here and we are discussing it already you are a month ahead of where you would have been if you took the time.

Board Member Rogan stated what I would feel comfortable with this is a very steep area especially the pictures with the guys walking on the backside what I would like to see, because Rich I would like to take a look at this to be honest with you. I would like to see you flag off a delineation of where the terracing would take place so that we can go out and visualize it then you can at least get some measurements and say okay we are going to do a three foot terrace then we are going to go back eight feet, and we are going to come up with another whatever the case may be. Put a little thought into that from that you probably can figure out some better specs in terms of the amount of fill just by taking some simple measurements and maybe Rich can help guide you along the way not that I want to see you waste time or spend money unnecessarily.

Mr. Malizia stated no it is something that needs to be done otherwise everything, my garage everything is going to be in that stream.

Board Member Rogan stated the point should be well taken though that if you talk to a couple of local engineering companies it might be worth your time and aggravation because this is pretty significant to have them put a quick plan together just for, you are just talking retaining walls, fill and erosion control. It is not an overly significant plan but it is something that in this case, I don't know how the rest of the Board feels about it but I definitely want to take a look at it and I would like some type of delineation on this.

Ted Kozlowski stated for the record too it has been our, we have been trying to pretty much stay to a policy of sticking with the permit requirements like a functional analysis and all that other stuff but this is almost an emergency situation and my recommendation to the Board is to relieve them of those obligations for the permit because this has to be done. It is for the protection of people and property. They have to do it.

Vice Chairman Montesano asked so now if we proceed to allow him to have the permit and under Ted's guidance if that is comfortable.

Ted Kozlowski stated I think we just have to make sure the engineering is there for this wall.

Board Member Rogan stated I agree.

Board Member Pierro stated I think it is too large of a wall to rely on one person's judgment I think we ought to have engineering on this.

Board Member Rogan stated Mike just to get it clear we are not talking about a conditional approval tonight or anything. We are talking about them getting a better set of an idea of what we are talking in terms of quantity of fill, slope, erosion controls.

Mrs. Malizia asked is there an engineering company that you would,

Board Member Rogan replied we can't recommend any but you certainly can look in the book and find a half of dozen locally, you might even find some in this room.

Mr. Malizia asked so you want me to flag off the area and have an engineer come up with a plan.

Board Member Rogan stated it really wouldn't even be proper for us to look at it until we have a set of plans that show what you are going to do.

(Unable to hear Ted no microphone).

Board Member Rogan stated exactly the engineer might say no this is where you need to do it so I think your first step is with an engineer to say look this is what we are looking to do, we need a plan with those things.

Mr. Malizia asked now how do I go about getting this back to you. Do I wait until the next meeting.

Board Member Rogan stated talk to Rich.

Rich Williams stated you submit it back in to our office.

Board Member Rogan stated we are certainly not trying to hold you up at all but I think in this case,

Mr. Malizia stated I understand I just want this to be done right because I don't need any more problems with it.

Board Member Rogan stated and I appreciate that.

Mr. Malizia stated I don't want to see an accident happen that does not need to happen.

Board Member Rogan stated I applaud you for doing the right thing.

The Malizia's thanked the Board.

Mr. Malizia stated I will get that to you as soon as I can.

Board Member Rogan stated thanks for the color pictures by the way.

Board Member Rogan asked Mr. Malizia,

Board Member Pierro asked what kind of camera is this.

Board Member Rogan asked what did you print these out of.

Mr. Malizia replied digital.

Board Member Rogan asked you just printed them off on your computer.

Mr. Malizia replied actually no actually I printed that up at Rite Aid.

Board Member Rogan stated the good news is you won't have to do the neighbor notification again. You are all set with that.

The Secretary stated no they did not notify them yet.

Mr. Malizia stated I haven't notified them yet. I actually was not aware that I had to actually send, I have to send them all registered letters.

Board Member Rogan stated yes.

Ted Kozlowski stated Frank got an education last night.

Mr. Malizia stated I found this out last night. Do I wait until I know the schedule.

Board Member Rogan stated the registered letters are only stating the application,

The Secretary stated it is for a public hearing for the wetland permit.

Ted Kozlowski stated right you want to do it for the May 4th meeting.

Board Member Rogan stated it is going to take them a little bit of time to get those plans.

Vice Chairman Montesano asked Missy, would it be easier if he stops by.

The Secretary replied I can't do nothing until you guys schedule a public hearing and then I can work with him.

Ted Kozlowski stated do you want to set a public hearing for the next meeting if he has to cancel it he cancels it.

Board Member Rogan stated that is fine.

Board Member Pierro made a motion in the matter of Frank Malizia, 37 Allen Drive that the Planning Board sets a public hearing for the May 4th meeting.

Board Member Rogan stated contingent upon the paperwork being in by the deadline.

Board Member Pierro stated contingent upon receiving engineering and paperwork.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Vice Chairman Montesano	-	aye

Motion carried by a vote of 4 to 0.

The Malizia's thanked the Board.

4) CHIERA LANDSCAPING – Sign Application/Waiver of Site Plan

Mr. Chiera was present.

Vice Chairman Montesano asked could you state your name for the record.

Mr. Chiera stated my name is Frank Chiera.

Board Member Rogan asked now this area is considered out of the Hamlet correct.

Vice Chairman Montesano replied yes.

Board Member Rogan asked do we have a review memo on this.

Vice Chairman Montesano replied yes.

Board Member DiSalvo stated he is requesting a waiver of site plan.

Vice Chairman Montesano stated this sign is up already.

Mr. Chiera replied that is just a tarp.

Board Member Rogan asked the proposal is to use the existing for office space.

Vice Chairman Montesano asked we don't have any plans on this property at the present time do we.

Board Member Pierro replied I don't think so we did not have them when we were doing Poppy's.

Rich Williams stated we have plans at this point on the portion that is Patterson Nursery, Poppy's Place yes. We don't have anything specific to this building or the third building that is on the site no.

Board Member DiSalvo stated this property is a lot smaller. I wonder how far back it goes behind the building, where the property line would be back there.

Mr. Chiera asked directly behind the building.

Board Member DiSalvo replied yes.

Mr. Chiera stated I would say approximately between thirty and thirty-five feet. The entire lot is about a hundred by a hundred roughly.

Board Member Pierro stated I might remind the Board that when we were doing Poppy's Place we wanted to try to bring that into conformance and we spent an awful lot of time doing it and I think that we ought to be consistent and do the same with this particular property, or portion of the property as well.

Vice Chairman Montesano stated it would be nice to get an overall site plan.

Board Member Rogan asked Mr. Chiera what is the purpose of the improvements that you are putting in, it says garden area and a footpath to a water garden.

Mr. Chiera replied what I am trying to attempt is a place where I can meet with clients and quite often I get I can't imagine what that looks like. They just don't picture a design or a landscape idea. What I am planning to do is the unique thing is that it is a little house so what we are going to do is landscape it as if it were someone's home and give some of those unique features like a water garden, a small pathway and some sculpture gardens to give people a better idea of what they could have on their property. It is really like a little outdoor showroom.

Board Member Rogan stated I understand like a display area for the type of landscaping that you want to promote to people.

Mr. Chiera stated exactly.

Board Member DiSalvo asked and you will be using the front and the back of the building.

Mr. Chiera replied the front is basically going to stay the same and you enter through the front and then you just walk around the side and that is where the path begins. It will bring you to the back and you have to exit pretty much the same way.

Rich Williams stated if I might there has been a sketch of exactly what he is proposing provided.

Board Member Rogan asked does anybody have that.

Board Member DiSalvo stated I don't see a sketch.

Rich Williams asked nobody has it.

Board Member Rogan replied I don't think so.

Board Member DiSalvo stated even last night when I was going through it all we had was a picture of the sign.

Rich Williams went to retrieve the sketch from the office.

Board Member DiSalvo asked right now behind the building nobody is utilizing it,

Board Member Pierro stated I thought there was a watercourse or wetlands behind there.

Mr. Chiera stated that thirty-five feet is just lawn and then pretty much the nursery begins and then to the side of me is roughly eighteen to twenty feet.

Board Member Rogan replied to Dave right behind there.

Board Member Pierro stated immediately behind it. It was filled in with chips.

Board Member Rogan stated on a separate note I think the business is appropriate for the area. You will probably do very well. It seems that I am also talking to people that want to put in water gardens and water features.

Mr. Chiera stated I have been doing it for about thirty years. I took the opportunity seeing that building was there, it is on 22 and being next to a nursery and a real estate office I thought it was kind of a good idea.

Board Member Pierro asked while we are waiting can we react to the sign application.

Vice Chairman Montesano replied sure.

Board Member Rogan asked is there any,

Board Member Pierro stated the sign is already up Shawn.

Mr. Chiera stated it is a plastic tarp it is not permanent and in fact I will be submitting another sign design with my logo and everything more proper.

Board Member Pierro asked so this sign application is for which one the temporary plastic one.

Mr. Chiera replied just for the temporary.

Board Member Pierro stated we should be able to react to that.

Board Member Pierro made a motion in the matter of Frank Chiera, Quaker Hill Road that the Planning Board grants an approval for the 6' x 4' temporary post mounted sign in front of Chiera Landscaping on Route 22 that is already installed in place.

Board Member Rogan stated let me just give you something to possibly end your motion with. Do you want since it is a temporary sign do you want to limit the length of that sign since it is temporary.

Board Member Rogan asked when do you anticipate wanting to put up the permanent sign.

Mr. Chiera stated I expect that I will have a design submitted before the next Board meeting.

Board Member Rogan asked if we gave you a hundred and eighty days on that.

Mr. Chiera stated I want to sometime in May be able to hang a real sign.

Vice Chairman Montesano stated so give him ninety days.

Board Member Pierro stated to amend that motion make that temporary sign permit to be good for ninety days. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye

Vice Chairman Montesano - aye

Motion carried by a vote of 4 to 0.

Rich Williams handed the Board copies of the sketch for the site.

The Board reviewed the sketch for a few minutes.

Board Member Rogan stated Ted I guess my question is,

Ted Kozlowski stated yes.

Board Member Rogan stated that just based on this it does not show where the stream channel is behind this facility and I think we need that on a plan with I am not saying I want you to spend a lot of money on this but I think it would behoove the Board to have a plan for this facility that shows a delineation of where the gardens will be placed, possibly a landscaped plan which shows what you are planning on putting in and the delineation of that stream corridor because we were out on this site and it looks like right in the area where your garden display sculpture area was covered in with like woodchips and stuff. It has been awhile since we have been out there and I am probably not accurate on it but right behind the building,

Mr. Chiera stated that is the nursery. I border the nursery and then behind me is the nursery and the nursery runs,

Board Member Pierro stated I think you would be able to use some of the maps that the nursery has already prepared. If you could utilize the same engineer this may not be a very difficult process.

Ted Kozlowski asked what is directly behind the building.

Board Member Pierro stated the nursery area.

Mr. Chiera replied directly behind me is nursery storage. First there is a large garden bed about twenty-five, thirty feet deep with a layer of plantings, beyond that is a small pathway for his machinery to drive through, beyond that is some storage of rock material, flagstones and things and then beyond that is the stream. So, it is about from the edge of the property that I would like to work on to the stream itself I would say is to be on the safe side a hundred feet but I would imagine it is better than that.

Board Member Rogan asked so the line shown here is supposed to be the property line.

Mr. Chiera replied that is the nursery line yes.

Board Member Rogan asked so you only own or not you but the property only extends what twenty or thirty feet behind the building.

Mr. Chiera replied thirty feet.

Board Member Pierro stated it is all on one lot anyway.

Ted Kozlowski stated Shawn, if you like I can just go out and meet with him.

Board Member Rogan stated yes I think that would be real good.

Ted Kozlowski stated field check it and see where it is. If he is more than a hundred feet away then there is no problem.

Board Member Rogan stated I don't have any problem with putting this type of garden in. I am just concerned about extending the use into an area that we are going to impact on that wetland. We tried so hard to improve that with the neighboring property. So, what is your feeling on this.

Ted Kozlowski stated I can go out there (unable to hear no microphone).

Mr. Chiera stated no I am waiting to open but I can meet you at any time you like.

Ted Kozlowski stated okay if you want to meet tomorrow afternoon.

Rich Williams stated if I could just interject, the area that he is proposing to landscape as I identified in my memo is currently basically a lawn area on the other side of the lawn area as he indicates there is a considerable area that is being used by the nursery. It is disturbed area part of it is a road so really what he is doing is really not going to impact the wetland or the buffer. I don't know, I scaled it off from the GIS and it looked like what he was doing was in the wetland buffer but again, it is all,

Board Member Pierro stated permanent.

Rich Williams stated well it is not prime, currently as it exists it is not good quality wetland buffer. It is a lawn area, it is a road, and there is a pile of woodchips.

Ted Kozlowski stated I just think though that based on what happened at Poppy's Place where it started out like this and then we were like this (using his hands to show sizes). I am not saying you are going to do that, I am not suggesting that, I just think it is probably better just to document where you are in relation to the buffer, just have that line on the map so we all know and it is a document that we can refer to in case you sell the business and the next guy comes in and decides to push out. We have been down this road before.

Mr. Chiera stated I understand that is fine.

Rich Williams stated what Rich says is perfectly fine and I don't think anybody is opposed to what you want to do there but we just want to make sure.

Board Member Rogan asked so I am clear where we are going with this because it sounds like,

Ted Kozlowski stated I will verify where the wetland begins and ends, we will measure it out, we will put flags and then you put that on your plan, connect the dots with the flags and that is your wetland buffer. I think it is up to the Board where you are going to delineate where he can go and where he can't go.

Board Member Rogan stated I am thinking about our meeting next week.

Rich Williams asked the 13th.

Board Member Rogan replied yes isn't that next week.

The Secretary replied yes.

Board Member Rogan asked what I am wondering is if we, Ted stated go there, Board Member Rogan stated not only go there but you are going to go there in the next day or so I am wondering if we could wrap this up.

Vice Chairman Montesano stated we could add another field trip, go out and then come back for the special meeting.

Board Member Rogan stated I don't know that we have to go out there if Ted is going out to check this and we get it on the plan I don't know that we have to.

Rich Williams stated I think what Shawn was alluding to is actually taking an action on this on the 13th. The issue is though that is a special meeting that is being paid for specially by one individual.

Board Member Pierro stated we can react to it at the following May or the work session. Are we having a work session.

Rich Williams stated we should be.

Vice Chairman Montesano asked how about on the field trip.

Board Member Rogan asked what do you mean.

Vice Chairman Montesano stated we are going on a field trip on the same night we are having a special meeting.

Board Member Rogan stated yes but you can't take an action on a field trip.

Board Member Pierro stated there has to be minutes.

The Secretary asked he can still open his office though.

Board Member Rogan stated of course he can open.

Rich Williams stated as long as the Board is okay with that, it is a permitted use. He does have a letter from me saying that he can open the office, he does not need any site plan approval. He can open.

Vice Chairman Montesano stated excuse me, go ahead ask your question.

Board Member DiSalvo asked with Poppy's they didn't have a septic there right they had a small portasan.

Rich Williams stated they had no septic there they had an agreement that they were going to use the septic in the real estate and in addition they put in a portasan.

Board Member DiSalvo stated and for the well they were using the water coming out of the stream there remember.

Board Member Pierro stated for watering the flowers.

Board Member DiSalvo stated they had the pump there.

Rich Williams stated for watering the plants.

Board Member DiSalvo asked does this site have its own well.

Mr. Chiera stated I have a well, I have septic I have all that.

Board Member DiSalvo asked it is on this site.

Mr. Chiera replied yes.

Board Member DiSalvo stated I used to go in there when the woman had it I never saw a bathroom in there.

Mr. Chiera stated we have a bathroom.

Vice Chairman Montesano stated when you are having this drawn just mark where the well is.

Board Member DiSalvo stated and the septic.

Vice Chairman Montesano stated and the possible septic field. I am not sure that he is going to be able to find it. It is there it would be part of the site plan even if we waived it we would know where it would be.

Board Member Rogan stated so that this gentleman and so that we are all clear where we are going with this it sounds like were are looking for Ted to confirm the delineation of the wetland, this gentleman to put this on to a map, not a professionally engineered or drawn map but a map that shows with limits of disturbance then we would entertain the site plan waiver.

Vice Chairman Montesano stated we would also like to know where the well is and where the septic fields may be, hopefully where it is since it is part of that building.

Board Member Rogan stated that is fine I am just trying so we are clear on the process so we are all on the same page.

Vice Chairman Montesano stated so all we want is the delineation on the paper on the picture that he is going to draw, similar to this. In other words if he had the well marked here.

Board Member Rogan stated if you were not proposing anything outside we would just say great welcome to Patterson but with the proposed improvements our concern is just to make sure that we know where things are going and that things don't become more than what we are being told and that we establish limits of disturbance for the site.

Vice Chairman Montesano stated also we would like to know since there is no plan that I know of on that particular piece of property it would be nice to have something unless you want to go for full fledge plan. If you are going to waive something you might as well know what exists on it such as where the well would be, where the septic would be and there is one in that building that no one seems to have any knowledge of.

Board Member Rogan stated okay.

Board Member DiSalvo asked how would you separate your property from the nursery. There isn't a fence there now is there. There is like woodchips.

Rich Williams stated there is no separation.

Mr. Chiera stated I will be using landscaping to separate to more define the property.

Ted Kozlowski stated this is all one lot.

Vice Chairman Montesano stated the whole lot is a fiasco because we have no designations.

Board Member Pierro stated at least this gives us a starting point and back to my suggestion that the people that have Poppy's Place should have a map in place that you could possibly utilize as long as you get permission from the engineer who drew that that you could possibly utilize to give us what we need.

Ted Kozlowski stated the whole back area was flagged. They had a consultant out there that flagged the entire area.

Rich Williams stated yes they did just so everybody knows though the area defined on the map was just what was being used by Poppy's Place, Patterson Garden. I did take a look at it as it relates to this site and it doesn't extend over to cover anything on this site but it does show the wetlands, it does show the buffer.

Board Member Rogan stated if there is anything else that is not included about what is needed on that sketch please, we will throw Rich's name out there, please check with Rich because I think he gets an idea of what we are shooting for on this.

Mr. Chiera asked if I can get all this information back to you by just after the weekend where do we go from there as far as being able to actually develop the property to get it going. You know it is springtime I want to,

Board Member Rogan stated I think your best chance would be the end of April, the work session that would be three weeks from now.

Vice Chairman Montesano stated the object is are we going to give a site plan waiver how much more information do you need or do you think we should.

Board Member DiSalvo stated I think these three items to be addressed I would feel satisfied with that.

Board Member Rogan stated I think what we just said, the direction we just gave would be appropriate.

Mr. Chiera stated if I just could say my only concern is I design and build these things all myself and although I have the ideas and the plots down on a plan for you each piece or each area is going to take it could be up to a week to develop just the way I want it to look so we are talking about three or four different areas I am looking at a month and of course I have got to work and make a living so time wise I don't want to lose that window of spring to get people in and open up my doors and start advertising.

Board Member Rogan stated if you do your work appropriately you should be able to put a shovel in the ground and start in three weeks.

The Secretary stated the work session would be the last Thursday in April.

Board Member Rogan stated and today is already the 6th. It is about three weeks.

Board Member Rogan thanked him.

Mr. Chiera thanked the Board.

5) FRANTELL SITE PLAN

Mr. Brickelmaier, Insite Engineering was present representing the application.

Mr. Brickelmaier stated this is on for just an extension.

Board Member Rogan asked what is the need for the extension.

Mr. Brickelmaier replied outside agency approvals.

Board Member Pierro asked will ninety days be satisfactory.

Board Member Rogan asked what are you requesting.

Vice Chairman Montesano replied ninety days.

Mr. Brickelmaier replied we are requesting ninety days if we could get a hundred and eight, two, ninety days.

Board Member Rogan stated they requested ninety.

Board Member Pierro made a motion in the matter of Frantell Development Corp. that the Planning Board grants a ninety day extension. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Vice Chairman Montesano	-	aye

Motion carried by a vote of 4 to 0.

6) FIELD & FOREST APARMENTS SITE PLAN

Vice Chairman Montesano stated Forest View or Field & Forest take your pick.

Rich Williams stated I think we decided on we are going to stay with Field & Forest.

Vice Chairman Montesano stated we are going to stay with Field & Forest okay.

Mr. Harry Nichols, Engineer was present representing the application.

Mr. Nichols stated Rich your memo says, we did a public hearing last meeting on it didn't we.

Rich Williams replied yes. Did I leave it in the memo.

The Board reviewing the memo for a few minutes.

Board Member Rogan stated Rich, Dave is asking about one of your comments, Board Member Pierro stated from March 2nd, DEC Wetlands certification block has not been completed on the latest submission, February 14 Planning Board SD-1, Site Development Plan last revised 2-14 which contained the endorsement of Doug Gaugler, State Wetland Boundary on the plans provided to the Board appears to be identical. What is that.

Rich Williams stated what it was is the last submission that Mr. Nichols made did not contain the DEC endorsement box endorsed by Doug Gaugler, subsequent to that he submitted the plan with Doug Gaugler's signature on it. So, what I did is I compared the two plans and essentially, what I am saying is the plan he submitted was identical to the one that Doug Gaugler signed off on. This latest submission does have Doug Gaugler's signature on it.

Mr. Nichols stated not his signature just his name they won't sign off,

Rich Williams stated I apologize yes.

Board Member Pierro asked so that is not the most current review.

Board Member Rogan replied no the most current review is today's date, which we just received today obviously.

Board Member Rogan asked we don't have performance bond calcs yet right on this.

Mr. Nichols replied not yet.

Board Member Rogan asked when are you going to get those to us.

Mr. Nichols replied I am working on that right now.

Vice Chairman Montesano stated the performance bond is still pending, everything else is done, and we can't go any further without it.

Mr. Nichols asked would a conditional final be in order.

Vice Chairman Montesano replied no, no such word.

Rich Williams stated I think it would be appropriate to get the bond in place also to see how some of the other agencies react to the plan before we get too far down the road. We don't want to end up with a situation where we approved a plan that has to go undergo major revisions but other than that I think we are pretty close.

Gene Richards asked Harry where do you stand with the outside agency approvals

Mr. Nichols replied we have met with both the DEP and the Health Department to go over their concerns and we have submitted to the DEP and we are preparing a submission to the Health Department. The nuts and bolts are there it is just a matter of the form we submit it in.

Gene Richards stated they have to review it and see where it goes they could have comments.

Mr. Nichols stated we have been discussing it with them as we have gone along.

Board Member Rogan stated so the idea is that if one of the other agencies were going to have a major problem with the plans the way they exist we should hear about it very shortly or at least Harry should hear about it. They wouldn't notify us.

Rich Williams stated usually we get cc on DEP letters.

Board Member Rogan asked can we get the bond calc for the next meeting.

Mr. Nichols replied yes.

Board Member Rogan stated so we can wrap this up next meeting.

Vice Chairman Montesano replied maybe you don't know,

Board Member Rogan stated no I am saying,

Gene Richards stated bond calc and then wrap up any site plan related comments from Rich and our office.

Board Member Rogan stated there is comments that both you and Rich have that would be appropriate to be wrapped up. Then we are done with this, well I am done with it. I don't know what you guys want to do with it.

Board Member Rogan stated we all want to approve this Harry.

Mr. Nichols thanked the Board.

Vice Chairman Montesano stated we just can't figure out what name we are using this week.

7) D'OTTAVIO SITE PLAN

Mr. Harry Nichols, Engineer and Mr. Steve D'Ottavio was present.

Board Member Rogan stated now Harry you did promise to impress us this week.

Board Member Pierro stated I believe that was the quote. Those were the words that he used.

Field & Forest Apartments Fire Suppression

Board Member Rogan stated just real quick back to Field & Forest let's ask for a letter from Paul on the fire prevention. It says that there was a letter that it was acceptable. If we could get a quick letter to the Planning Board on that, that it is acceptable.

Rich Williams asked Dave or Paul.

Board Member Rogan asked is it Dave who would do that.

Board Member Pierro replied it is Dave.

Mr. Nichols stated Dave did a letter already I thought.

Board Member Rogan stated we haven't gotten a copy of it.

The Secretary stated he wants it to the Planning Board though.

Board Member Rogan stated if it is to Harry and it is signed by them I would be happy with that. That is fine.

Board Member Rogan stated wait we might have it here. I am sorry Harry I just didn't have a copy of it.

Board Member Rogan stated no this letter is from Dave to Paul so this isn't. I want a letter to the Planning Board from Dave stating that he is happy with your current plan and that would be great.

Mr. Nichols asked was he happy in that letter.

Board Member Pierro stated yes.

Board Member Rogan stated it does not sound like it no. I wanted to make sure that you had everything that you needed for next meeting

D'Ottavio Site Plans

Mr. Nichols asked you talk about a submission to the County (referring to D'Ottavio Site Plan), a 239.

Rich Williams stated that should be done.

Mr. Nichols asked that is something, you do that.

The Secretary stated Rich does that.

Rich Williams stated that should be done we usually do that concurrent with the public hearing. Actually, I have been doing it when (unable to hear to transcribe Board Members having a conversation at the same time).

The Secretary stated you took it away from me because I was a bad girl at it. I would forget to do it.

Board Member Rogan asked take us through your new set of plans.

Mr. Nichols stated technically what we have changed on here, originally we had three breaks into the existing stream bed, a suggestion from the Consultants we combined the previous overflow along with the secondary discharge in the same location, two breaks or one break and the pair of inlets that are located in the existing portion of the access drive, we were directing them into the stream at another location but they now have been changed to go through the existing headwall which means there will not be another stream disturbance. We have eliminated a second disturbance here. Also, the landscaping the plan was modified they were going to remove the large trees that had been located on top of the berm because we do not want to have the root systems up there. The Landscape Architect showed landscaping going into an area that did not need to be disturbed that has been removed. There is a comment in the review memo relative to plantings being on top of the berm. There is access ways into both the forebay and each of the individual ponds and we did not anticipate using the top of the berm as a way of accessing the pond but if the Board decides that they want us to remove the plantings from on top, maybe move them down to the side there is no problem with that. The plantings are there just to break up the outline of the ponds.

Board Member Rogan asked Harry give us a layperson's explanation of how the ponds work, how drainage goes through the site and through the ponds and then ultimately how it would end up down into the stream area please.

Mr. Nichols stated we have an on site drainage system which collects the runoff for the various pavement areas as well as the structures and conveys it to the closest pipe, leads it across the front of Building A, at that point the initial flow goes into the forebay of the pond system and the filter pond which is the first pond in the two pond series. The forebay is part of the first pond, that is where the silt will collect, it provides a place to drop down and settle and the water flows into the main part of the pond where it will be, this is from the water quality volume although we have increased it up to the two year storm which is what the DEP requires, what the State requires. There is a water quality volume, which is significant less volume. Once this pond fills up there is a manhole here with pipes at different levels.

Board Member Rogan asked at what level, I am sorry to interrupt, at what level is a full pond, what is the elevation like 482, 480.

Mr. Nichols replied 482 is the top of the berm say about 480 actually we have one foot of freeboard on a hundred year storm. The water above and beyond the water quality volume increased the two year storm the water will be diverted into the second pond, we call that the volume pond. This is where we control the rate of the water leaving the site. In other words, it comes in at an accelerated rate. It is detained and it is metered out at a slower rate in order to match the quality less than the rate that existed prior to development on the project. Also, the water that has been collected in the first pond goes through a filter system and after the volume pond is empty, the water will drain into this pond for further filtration before it is discharged into the watercourse and there is one point of discharge at this location. You will see the pipe and riprap over flow channel has been combined and directed into the point where there is a bend in the stream in that location. The benefit is to include the hundred year storm, we have a net reduction in rate of water leaving the site. We also have retained insignificantly long enough for the pollutants to settle out. We have demonstrated in our calculations that we have reduced them to the point that they are equal to and below the water quality levels that existed prior to development.

Board Member Rogan asked Harry what is the proposed slope of the side of Basin 1 that faces 22, the downhill side.

Mr. Nichols asked Basin #2.

Board Member Rogan replied no #1 from the top of the berm down to the limits of your disturbance.

(TAPE ENDED).

Mr. Nichols stated there is a short section in there where the slope is between a two and a half and a two on one. We are using the existing stonewall as the limiting factor on the tow of that slope. That wall is a physical feature that sticks up in the air we do not want to go beyond that because of obvious reasons. Once you get on to the other side, you are right on the bank that slopes directly into the watercourse we do not want to cause any disturbance on that side. All of the slopes are a three on one slopes that includes those inside the basin as well as the ones that extend up to Building A.

Vice Chairman Montesano asked did you get this copy of the Code Enforcement Officer's information.

Mr. Nichols replied I don't know.

Board Member Rogan asked what is it dated.

Vice Chairman Montesano replied March 29th. You should have had this I would assume. One is for Field & Forest about the fire protection. System maintenance shall be provided by Farm to Market Incorporated. They would like to also put down or their successors. Then on D'Ottavio, we have what they want on the blacktop.

Board Member DiSalvo stated I think that is what Paul said at the last meeting.

Board Member Pierro asked that was the widening.

Vice Chairman Montesano replied no he won't issue a C.O. because of something about the roadway. I just wanted Harry aware of what is going on.

Rich Williams asked he won't issue a C.O. because of the roadway.

Board Member Rogan stated it says just to be aware a C of O cannot be issued until the blacktop is complete. Just for clarification will the binder and curbing be sufficient or does the top coat have to be installed. This is a memo.

Rich Williams stated we have a note on the plan basically because the two sites even though they are two separate parcels are being developed as one site. We have a note on the plat that says be aware you are not going to get a C. O. until it is built out in its entirety and that does mean top course. Paul knows that, he can't issue a C.O. until all the site improvements are done including top course.

Board Member Rogan stated because either one of these buildings relies on the improvements into their entirety to be, yes okay that makes sense.

Vice Chairman Montesano stated the main thing is to let Harry know.

Rich Williams stated and the other issue I did address within the memo, apparently, within the Building Code, there is a requirement that you have a no parking sign at the end of the access aisle. That is really great that you put a no parking sign at the end of the access aisle because then how do people get around to get on the sidewalk but that is the Building Code.

Gene Richards stated it is intended to be up at not adjacent to the driveway now is it.

Mr. Nichols asked isn't that in between the handicap spaces.

Rich Williams stated that is correct.

Mr. Nichols stated so a third vehicle does not park in between.

Rich Williams stated that is fine but the right way to design it and the way you have it on this plan is that blue access aisle should go right into your sidewalk so by putting a no parking sign in the middle you actually obstruct the sidewalk so people can't get through. I did talk about in the memo, I did talk with Dave Raines and it is going to be acceptable we are going to have to put it off on the side,

Vice Chairman Montesano stated on the side with an arrow.

Mr. Nichols asked left or right.

Rich Williams replied engineer's call.

Vice Chairman Montesano stated let's put it this way Harry, if you put it off to the left put an arrow facing in the direction so people don't park there. If it goes to the right put the arrow in the opposite direction or no parking between signs then you have two handicap signs. I will tell you this don't go to Danbury these guys have been handing out summons like crazy for people parking in the stripe zone.

Board Member Rogan stated Harry, and don't laugh at me for saying this but at the bottom of your Basin #1 one of your topo's says 490 it is actually 480. Basin #1 the last topo line that you are adjusting just to the right there, follow down, go down a little further it says 487, 486, 484, 482, 490 it is just a typo. I didn't want Gene to point it out to you so.

Vice Chairman Montesano stated now he wants Gene's job so be careful.

Board Member Rogan stated no not at all.

Board Member Pierro stated Gene would have picked that up.

Mr. Nichols stated I think Rich picked that up.

Board Member Rogan asked you did.

Mr. Nichols stated yes it is in his memo.

Rich Williams stated Gene taught me well.

Board Member Rogan stated you must have a big magnifying glass or something because there is so much on these plans. It takes twenty minutes just to absorb these plans.

Board Member Rogan asked okay so where are we going tonight ladies and gentlemen.

Vice Chairman Montesano replied we are still pending.

Board Member Rogan stated no I realize that but how is the Board's comfort level with the plans.

Vice Chairman Montesano replied it is going.

Board Member Pierro asked what outside permits are we waiting for.

The Secretary stated we haven't had a public hearing on this have we.

Board Member Rogan asked we haven't done a public hearing.

Mr. Nichols stated we have to set a public hearing.

Rich Williams replied nor have we done SEQRA.

Gene Richards stated one thing that Harry talked about which actually is out of our memo and that is the berm of the ponds and putting any landscaping on top actually it is not on his plans it is on the Architect's plans. I was approaching it merely from a maintenance standpoint that if they ever needed access to the basin through the top of the berm that there wouldn't be plants there. I certainly will defer to Ted and Rich to what their thoughts are if it is appropriate to put them there then let them go then if not. Harry mentioned low profile plants I am not sure what that is.

Board Member Pierro stated low profile plantings.

Gene Richards stated but the point is should there be landscape plantings up there or should it just be lawn area.

Board Member Rogan asked just so I am clear that the berm is the area that is delineated by 487 on each side of it correct. There is a fairly wide strip that runs around the low side.

Mr. Nichols replied that is correct. It is ten foot wide.

Board Member Rogan stated if it does not matter to you guys I would like to see some plantings on it quite honestly.

Rich Williams stated we cannot put trees on the berm. It is a safety issue God for bid they start growing up and they blow over you have reached the embankment.

Board Member Rogan asked but what about, Board Member Pierro stated low profile plantings.

Rich Williams stated well he does have low profile plantings in there. He does have shrubs all through the embankments.

Board Member Rogan stated great.

Rich Williams stated it is not such a big issue on the embankment that is not a berm. That is not an actual dam base and that I think is Gene's concern. Gene and I talked a little bit about it and it certainly is going to make access tight with the trees that he has got up on top. It may take some radical pruning at times but I can go either way it is not really a safety issue but on the berm has to go and White Oaks are not small plantings.

Board Member Rogan stated but to put some shrubs in there that would help to screen some of that pond because we all know how lovely the ponds look from 22.

Rich Williams stated there is extensive landscaping throughout with shrubs.

Board Member Rogan asked do we have copies of that planting plan.

Mr. Nichols stated yes it should be with your set. It would be after the erosion control plan.

Ted Kozlowski stated with regard to the landscaping plan, what kind of maintenance is going to be on that Harry once the project is over. What kind of maintenance is going to occur with regards to the landscape plan. It looks nice on paper but after several years if it is not maintained it becomes a giant weed bed. It is bare ground, you are going to landscape it with vegetation I assume it is going to be mulched but who is going to manage that.

Mr. Nichols replied well the owner would be responsible, Steve himself.

Ted Kozlowski stated because it is ambitious and you know that quickly turns into a jungle. The other thing Rich and I spoke about this today with regards to this, this overflow we would rather see this be diverted around, you know not go through this, not be introduced through the natural forest, try to protect that forest as much as you can and have this actually be diverted down by the road to be introduced into the stream. This is an overflow is it not.

Rich Williams stated when he says we, he says Ted, and I agreed to take a look at it. I don't know that it is feasible to do it.

Ted Kozlowski stated right we would like you to look at it.

Mr. Nichols stated elevation wise, (unable to hear).

Ted Kozlowski stated because to create that is just creating another opening. It is taking the trees down and it is a what if. It is not really a functional thing unless there is some sort of major problem there and to create that scar in the woods is kind of you know.

Mr. Nichols stated we are going to have to make a ten foot cut going this way in order to allow the water.

Ted Kozlowski stated if you could just look at this to try to minimize what you are doing there because to create that you are going to have to clear it and that is just going to be a big swath in the woods that you are going to see from Route 22.

Board Member Rogan stated a riprap swath.

Ted Kozlowski stated yes it is going to be a riprap swath and it is going to be eliminating those trees that buffer line of trees which is going to help screen all this from Route 22.

Board Member Rogan stated Ted I am sorry I am not clear on what the idea was that you and,

Ted Kozlowski stated this swath.

Board Member Rogan stated no I understand what is proposed I am not clear as to what you are thinking.

Ted Kozlowski stated some way of dealing with this overflow in another way without having to go through the forest. All those trees are interlocked on that hillside and once you open a swath, in there you have destroyed those trees and then you have affected the residual trees by cutting into the roots and all that, which is an opening.

Mr. Nichols stated I have a suggestion, you and I go out there and take a look at it to find out if there is a spot that is already, that has no trees.

Board Member Rogan stated that would be great.

Ted Kozlowski stated the bulk of the real good spot is right in here. That is the sweet spot with regard to the forest, which is serving as a buffer to that, but it is an aesthetic buffer too, to the building.

Mr. Nichols stated the one reason we are coming in here is because it is on a bend in the stream and we are able to come in with the flow in the same direction.

Rich Williams stated yes I mean from my end of it I think maybe from Gene's we don't want to see that shifted but if you are going to take it out all the way that is one thing but not shifting it around because we have got it aligned with the stream. We have got it aligned with the erosion,

Board Member Rogan stated I understand. That is one of the few places in the stream that it,

Rich Williams stated we are fixing two problems at the same time and it is the shortest distance between the pond right where it is. Again, Ted's idea is to take it out all the way around.

Ted Kozlowski stated right my understanding is that this is an emergency overflow.

Mr. Nichols stated yes.

Rich Williams stated well it is both. What we did is we embedded the primary outlet and secondary outlets within the emergency overflow so instead of three different points coming into the stream we only have one.

Ted Kozlowski stated right but it is going through the woods.

Mr. Nichols stated suppose we pick a spot that is not disturbing,

Ted Kozlowski stated if we can move it further away from that wooded area it is better.

Board Member Rogan stated take a look and see if there is a spot that can be located and still maintain so that you are flowing in with the direction of the stream and see what you guys can because you are going to be looking at the proposal that should be pretty easy to see.

Ted Kozlowski stated I really think that you want to reduce the amount of landscaping that you are going to do there.

Board Member Rogan stated I agree.

Ted Kozlowski stated because there is a tremendous amount of maintenance involved in this and you know what warehouse, factory have you seen where they are really maintaining this. It does not happen. That is not their primary concern. Their primary concern is what is going on in the warehouse and when you have these plans that have a lot of landscaping it looks great initially it really does. It looks great on the plans and everybody is happy but it does not look like that several years later and what we have here is a natural forest that really has not been invaded by invasive. It is not full of vines. It is a young, healthy forest that is serving as a buffer and serving as an aesthetic buffer to sort of mitigate the visual on this building and the more trees that are removed, the more you are going to expose of that and then the more you are going to have to replace with landscaping and then the more you are going to be required for maintenance.

Mr. Nichols stated well let the four of us go out there and take a look and see if there is a location that could make everybody happy.

Rich Williams stated if I could just jump in on this maintenance issue, past practices Ted is absolutely right but under the new MS-4 Program the Towns are now mandated by the DEP to come up with a maintenance program that we are going to have to show them that we have got where we are going out and doing inspections on these and then periodic maintenance and what the maintenance requirements are is being done. We are going to have to document that so what we have done in the past isn't the way it is going to be done. It can't be.

Ted Kozlowski stated but if you keep the natural, healthy forest there is no maintenance.

Rich Williams stated right.

Board Member Rogan stated and if you can keep the native species then you are reducing the number of plantings.

Ted Kozlowski stated right. You have a problem when you take nursery stock that is babied, pampered in a nursery, full sun given great conditions and then you throw it into a situation like this a lot of those plants don't make it and it is not going to get the care of an arborvitae or a botanical garden. This is a functional stormwater prevention area and it is going to be tough.

Board Member Rogan stated I am trying to think of what other issues that we haven't wrapped up on this. Have we ever re-visited the buildings themselves because we talked about them a long time ago and I don't remember ever getting clear direction as to what we were going with, the style of the buildings.

Rich Williams stated we haven't gotten final architectural plans as of yet. I think we are still waiting on that. The other issue that is near and dear to my heart, I did talk with Dave Raines he said he had a conversation with Harry about locating possibly two, one, twenty thousand gallon tank out there on the site up in the back between the two buildings maybe.

Mr. Nichols stated he was talking about on the bigger building having a fire department connection.

Rich Williams stated right but he was looking for some sort of volume of water in case that building needed to be sprinkled. You don't recall.

Mr. Nichols replied I don't recall us talking about a tank on this one.

Rich Williams stated he talked about it with him.

Mr. Nichols stated Steve is aware of a discussion, I think he had a discussion with Paul today.

Mr. D'Ottavio stated if you guys have some sort of guidelines, which I was at the last meeting and there were absolutely none. You can't tell somebody to do something when you know absolutely nothing about it. Who is going to take care of it, who is going to maintain it. I am not going to put a liability on my property unless I am required to do it and there are some sort of guidelines. If it is a Town Code I will gladly do it. If everybody has to do it I will do it.

Board Member Pierro stated everybody has been doing it. We have been trying to get some voluntary compliance, Steve and we understand,

Mr. D'Ottavio stated we just need a little guidance that is all.

Board Member Pierro stated right and I think we should seek a recommendation from Paul and Dave on this particular site on the amount of water.

Mr. D'Ottavio stated I just think just from being at all these meetings and dealing with Attorneys and the Boards there is so much more than just setting a tank there. The Fire Department needs to have permission go on your property. Somebody needs to check those tanks and if the tank is empty and they go to pull water out of there for the neighbors house they are going to be able to sue you because you have no water in your tank. There is nothing written there is no,

Board Member Pierro stated you are preaching to the choir pal. We know.

Mr. D'Ottavio stated so until there is something, if it is a Town required thing yes I will do it absolutely, voluntarily if I put a tank in there and I voluntarily do it then how does the Fire Department have permission to come on my property to use that tank.

Vice Chairman Montesano stated when you have the fire your insurance company will,

Mr. D'Ottavio asked what if the fire is up the street and they pump it out and what if they destroy the driveway or come into the building. It is not just a Town fire thing it is a broad thing.

Board Member Rogan asked jokingly Steve are you interested in a career in politics.

Mr. D'Ottavio stated it just is.

Board Member Rogan stated no I think they are all valid points and they are all things that we are all frustrated with.

Board Member DiSalvo stated we keep talking about it but nothing is happening.

Vice Chairman Montesano stated until we get notification to the Town Board they are the ones that have to make this decision.

Rich Williams stated but they are looking for a recommendation from the Planning Board. That is where it got left off.

Vice Chairman Montesano stated my recommendation would be to please come up with a law so that we can show people what they are being covered for and what they have to do.

Board Member Pierro stated we were supposed to compile a recommendation for Paddock View correct.

Rich Williams replied right. Let's wrap up on D'Ottavio and then we can go on to that.

Vice Chairman Montesano stated but we are sitting here telling people and if they say no we are suggesting is all we can do. We have no teeth. If they tell us no then what do we do. We look just as foolish because how do we guide them. We don't have any guidance and until the Town comes up with a law and they have to sit down with the two gentlemen that are in question here that want these things and they have to come up with a proposal that they pass. Then they say these are the plans you have to follow and then we have something to tell the rest of the people until such time we sit here in the dark giving suggestions, hoping.

Board Member Rogan stated it is a ridiculous system. Let's finish up with this and we will jump back into this great topic.

Board Member Pierro asked do you want to set a public hearing.

Vice Chairman Montesano stated set a public hearing.

Board Member Pierro made a motion in the matter of D'Ottavio that the Planning Board sets the public hearing for the May meeting. Board Member DiSalvo seconded the resolution.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Vice Chairman Montesano	-	aye

Motion carried by a vote of 4 to 0.

Board Member Pierro asked do we have to do SEQRA.

Board Member DiSalvo stated we did it.

Board Member Pierro asked did we do SEQRA.

Mr. Nichols asked what would be the date of the hearing.

The Secretary replied May 4th.

Board Member Pierro asked is there any reason why we shouldn't do SEQRA tonight.

Board Member Rogan made a motion in the matter of Steven D'Ottavio proposed office warehouse buildings, Route 22, Patterson that the Planning Board grants a negative determination of significance of SEQRA. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Vice Chairman Montesano	-	aye

Motion carried by a vote of 4 to 0.

Mr. Nichols thanked the Board.

Mr. D'Ottavio thanked the Board.

8) OTHER BUSINESS

a. Paddock View Estates

Board Member Rogan stated just based on what everyone was just saying on fire protection I almost feel like we shouldn't be taking action on any of these projects until we get clear adopted guidance, adopted law from the Town Board that has been checked with the Attorneys that says once we put

fire protection we either are going to form a Fire District or it is going to become part of the Town's Fire District or something and I would love to hear from Anthony on this not that I am asking for your opinion on which way to go but,

Anthony Molé stated it really all has to begin with those who know the most about what needs to be put in place, the fire tanks, what the Fire Department would require, what it takes to put out a fire, and how much water should be there. I think the Town Board needs to absorb all that information and decide what they want to do and then they will come to us and say how can we do this, what is the best way legally to go about it. You really have to start from ground one.

Vice Chairman Montesano stated we have already got questions, who would be responsible for the Fire Department to go on the property if it is not their fire. If damage occurs who is responsible. That is a big chunk of work.

Board Member Rogan stated in all fairness to Paddock View when we were asking these questions, Paul has a very good intent but he does not have the answers as to how this can really be done. It is not his fault it is just that they haven't legally discussed these issues and so my inclination on Paddock View because we have been reviewing this damn thing for so long in this case we missed our opportunity.

Vice Chairman Montesano stated we have tried in the past to have discussions made on this unfortunately the meeting that we had with the Town Board ended up being something where we didn't get a chance to discuss the issues about the fire thing. It ended up being something completely different but the main thing we were supposed to meet about on the issue of the Fire Officer and the Building Inspector never got discussed. We are back to it again.

Rich Williams stated if I could jump in here I have the advantage of working for all the different Boards and working in between and discussing all these issues with the various Boards. What the Town Board really is looking for is an unbiased, impartial, recommendation from the Planning Board of what you think is appropriate.

Board Member DiSalvo stated but we are not the fire experts.

Board Member Rogan asked in terms of what.

Rich Williams replied in terms of what you are looking for fire protection. I mean essentially,

Board Member Rogan asked do you mean the actual components not all the other stuff.

Rich Williams replied how you are looking to do it, how you are looking to have it structured.

Vice Chairman Montesano stated wait a minute we are not even requesting it. These two guys came in with this nonsense to make the Town viable in their eyes. What does that have to actually do with us giving them guidance. We don't know what the hell they are talking about.

Rich Williams replied the first and foremost function of a Planning Board is a planning advisory body and that is what the Town Board is looking for is for the Planning Board perhaps to do some investigation, look at the various options, come back with a recommendation to the Town Board which they will then talk with the Fire,

Vice Chairman Montesano asked are they going to provide us the information if we request the information.

Board Member Rogan stated no.

Board Member Pierro stated I think we can go a little further than that.

Board Member Rogan stated we have discussed this quite a bit.

Board Member Pierro stated I am comfortable, the first thing that I would like to do is to sort of setup certain requirements like I think most of us have some firematic knowledge. I was a fire fighter for a lot of years. I understand the difficulty of it but I don't want to put a tremendous amount of expense on developers for especially for small subdivisions like Paddock View. I would be happy with not creating a Fire District for ten houses. I think if the Fire Department and the Town Board, if the Fire Department and the Fire Inspector are requesting fire protection then they ought to be responsible for a certain amount of it. If they require that they have a well to backup a twenty thousand gallon tank we are inviting disaster if we have no one to maintain it or run it on a regular basis.

Board Member Rogan stated I think we all agree on that.

Board Member Pierro stated because wells not being used are candidates for failure. In Paddock View I would be happy with a designated lot that is dedicated to the Town with one, twenty thousand gallon tank and Paul acquiesced to that, he originally wanted thirty. I think we are talking about having a water supply for that first flush for that first attack to fight fires and once you have a rolling fire then you have more fire fighters on the scene. You have the Fire Department operating with the shuttle system, which they are trained and built on that premise that they use the shuttle system. I think for Paddock View we ought to make a recommendation that we would require a twenty thousand gallon tank as Paul acquiesced to and then have the Town assume some responsibility the Town or the Fire Department, have them do bi-yearly pump outs where they test the float system and take some water out and then refill it to make sure it works properly. As far as a Fire District for that small of a project I don't see it necessary. What we did I am comfortable with what we did on Burdick Farms because we have a lot of water there and we have a lot of people contributing to,

Rich Williams stated but let's talk about Burdick Farms we have not gone down the road about how ultimately they are going to be maintained or filled right now all we have got with Burdick Farms is Board Member Pierro stated is the tank size and wells, Rich Williams stated the location of tanks and sizes no wells.

Board Member Rogan stated I have to say and I agree with ninety-five percent of what Dave said I think that if this Board makes a recommendation to the Town it should be for some kind of guidelines that would indicate a ten, twenty or thirty thousand gallon tank being placed, never a well connected. I just think that is a bad idea but I think the Town Board should investigate a Town wide Fire District even on Burdick Farms. I think that no development I think it should be the greater good of the Town and it should be investigated in terms of a Town wide Fire District so that the Applicant pays for the initial fill up and then there after there has to be a mechanism in place with the gentlemen such as Paul or Dave, the Fire Inspectors that they have some burden that when

something is being used that there is someone who oversees the refilling of those resources through the insurance not that they are going to work directly with the insurance company but some mechanism is in place there. Just like there is mechanisms in place to maintain the dry hydrants, the Fire Department pumps them out. I am not in favor of any wells ever being specifically drilled or tapped into but I think that all we should be looking at is setting some kind of standard in cooperation with Dave and Paul that says a ten lot subdivision requires a twenty thousand gallon tank, anything over that,

Board Member Pierro stated a twenty thousand square foot commercial building,

Board Member Rogan stated whatever and then a thirty thousand would be needed for something like Burdick Farms you have a thirty lot subdivision. I think something like that and that is it. Let the Town Board determine with the Lawyers how to setup a district or if that is the appropriate way to go.

Board Member Pierro stated or if it is even necessary.

Rich Williams asked how do you handle a you said just a blanket requirement ten lots needs twenty thousand gallons and right across the street from this ten lot subdivision is a huge pond with a dry hydrant in it with a hundred thousand gallons available.

Board Member Rogan stated if that were the case, Board Member Pierro stated if that were the case we ought to have the ability to waive.

Rich Williams stated okay.

Board Member Rogan stated make it as a maximum that the worse that could be required on a subdivision and through the planning process if you see that that resource is available then you have got sufficient information to waive the requirement.

Ted Kozlowski stated another resource is sprinklers.

Board Member Rogan stated absolutely.

Ted Kozlowski stated and they are not really seriously looking at that.

Vice Chairman Montesano stated nobody wants it.

Ted Kozlowski stated nobody wants it because it puts well,

Board Member Pierro stated it is an incredible cost on the developer to install,

Vice Chairman Montesano stated no it is not.

Ted Kozlowski stated it is an incredible insurance savings.

Board Member Pierro stated I know it is and you have to let me finish the cost of the initial install is tough and it is a savings eventually. It takes ten years. There is a fire sprinkler company here in Patterson, which will give you the information.

Rich Williams stated and I have a manual supplied by them in my office if anyone wants to look at it.

Ted Kozlowski stated and my wife works for them.

Board Member Rogan stated if we made it a requirement across the Board and said this is what is required for a ten lot subdivision we always have the ability those requirements given that a water source is available that would come out through the planning process and you say a waiver would be appropriate here because you have a hundred thousand gallons across the street.

Rich Williams stated it depends on how the law is structured. I would imagine we would try to structure something like that but I just want to point out that this comes down to the fundamental debate where Paul and I are constantly butting heads, Board Member Rogan stated the ISO rating. Rich stated yes Paul wants to do it on a blanket ISO rating I want to do it on the NFPA 1142, which assesses how much water a subdivision will need based on the ability for the Fire Department to haul water and the proximity of other water sources to that. If you have got an isolated subdivision you certainly are going to need more water there then if you have got a subdivision where right across the street you have a large volume of water.

Vice Chairman Montesano asked these tanks that they have I want to know one thing with the tanks or something that is bothering me. These tanks for arguments sake they have an outlet either it is going to be the inlet, outlet, whatever you want to call it,

Rich Williams asked we are talking about the in the ground twenty thousand gallon tanks.

Vice Chairman Montesano replied under ground tanks period.

Board Member Pierro stated it is a dry hydrant, just a dry pipe.

Vice Chairman Montesano asked excuse me what I want to know is this do you have an inlet or outlet with the dry hydrant attached to it that is fine you have got a four inch pipe running into it. Now Fire Departments that I have seen all carry power pumps now is there a tank and I don't know I am just saying designed where an opening above ground you can remove it such as a sewer cap, something small, drop the power pump into it and that gives them water now you don't need the well at all because the water can be pumped in with the power pump from the truck,

Board Member Rogan stated that is what we are talking about.

Vice Chairman Montesano stated but what I am saying is I want to get specific, if a tank we accept I want to know what specifications there are. Does it only have one inlet where a four inch pipe is connected or would there be an opening on the top where you can drop a power pump into so that that the fire truck can pump water out of it.

Board Member Pierro stated my experience with tanks now in the Village of Port Chester we had a hydrant system obviously but we did have tanks in specific commercial locations and they had one fill line and a vent and when the Fire Department took water out of it they either tapped a hydrant somewhere around, ran a line to that fill which was where they suctioned, they soft suctioned the water out of the same fill.

Vice Chairman Montesano stated the object is no one when we were having these discussions, when you go to a tank you can drop a pump into it that pulls the water out at whatever speed you want to require you adjust it,

Board Member Pierro stated they don't have to do that because the fire truck itself is the pump.

Vice Chairman Montesano stated I realize that but what I am saying is when you call for a pumper truck and the brush truck shows up and the brush truck does not have it but he could have that pump on it to throw it in that initial lay which he gives out could be enough to suppress the thing until the pumper gets there. Everybody keeps talking the same way we argue with Paul is why do you need a thirty thousand gallon tank. You have all these trucks coming.

Board Member Pierro stated they don't have the manpower.

Vice Chairman Montesano stated they don't have the manpower okay. You also don't have drivers equipped to drive a pump truck. When we were in this department we had officially trained licensed truck drivers that were not allowed to drive trucks because they did not have their politic certification.

Board Member Pierro stated that is the politics of the Fire Department. That is really not a place for us to be going.

Vice Chairman Montesano stated well unfortunately this is something that you have to consider, what trucks would be around and available, what other specifications. They are looking for information I want information. What kind of tank is it. Is it a nice double hold fiberglass tank that is fine. Does it have one opening or two that is all I am really asking.

Rich Williams stated we do have standard specifications based on NFPA requirements that Dave Raines has been utilizing and that is what we are throwing on the plans.

Board Member DiSalvo asked how deep are these tanks in the ground. What is to prevent them from freezing. I mean are they like four or five feet down.

Rich Williams replied they have to be a minimum of three feet right.

(Too many talking at the same time unable to transcribe)

Vice Chairman Montesano stated excuse me can we have Gene talk for a minute, thank you.

Gene Richards stated it just seems to me that there are two components here. One component is what facilities are required and that is where Paul has got to be involved and Dave Raines and whether they go by the standard Rich called for or something else whatever they can certainly determine what facilities are needed. I think the bigger thing the other component is going to be how do we maintain these and Shawn I think what you were saying about a Town wide Fire District seems to be the most simplistic thing because in the end they benefit the whole Town.

Board Member Pierro stated we already have that in place because we already pay taxes for Fire Department separately. It is already in place.

Gene Richards stated well then it has got to be the Fire Department ultimately who has to maintain these because they know,

Vice Chairman Montesano stated then they are going to want more money.

Board Member Pierro stated but Gene it is the best way in my experience it is the best way to not only make sure your people know what they are doing it lets you be aware that your equipment is working properly and your supplies are available.

Gene Richards stated and you know where it is in an emergency situation.

Rich Williams stated I don't dispute what you are saying Dave the issue has come up time and time again though as it comes up with Steve, the Fire Department does not want it because then they have got the liability.

The Secretary stated Paul said that at the last meeting.

Board Member Rogan stated my honest feeling is that if the Fire Department does not want it through a special district then I am not in favor of them because I don't think that it is right. I just don't think it is appropriate for a homeowner's association to be involved with maintaining a tank that can be used for the rest of the Town. It just seems like it is a big headache.

Vice Chairman Montesano asked would that mean that the Town would have to hire a company that does maintenance on this equipment and then deduct that from the Fire Department see if they are going to show up for that one.

Board Member Pierro stated I don't know what our Counsel feels but Mr. Donahue he was riled the other night.

Board Member DiSalvo stated sprinkler systems are the easiest.
(Too many talking at the same time unable to transcribe).

Board Member Rogan stated so the reality is on Paddock we are not in a position to have a twenty thousand gallon tank placed there without knowing what will be the ultimate maintenance of that or the property ownership. Those two issues are really the crux of this.

Anthony Molé stated like they said they dedicate that parcel to the Town, (unable to hear rest of the statement).

Board Member Pierro stated once it is on Town property the Town assumes liability for it. If that property is going to be dedicated we have to get the Town's permission to accept that.

Rich Williams stated if that is what you want to do that would be your recommendation tonight, the Town Board would review it, come back saying we are going to do it. Ultimately the problem with what you are proposing to do putting it on Town property, the Town road right of way now we get into the issue of will the Highway Superintendent accept the road with that in it.

Vice Chairman Montesano asked then until we get direction how do we give recommendations if we don't even know what to recommend.

Rich Williams stated you start with a recommendation and they respond to it.

Board Member Rogan stated exactly.

Vice Chairman Montesano stated that means we are going to take twenty-five years to do this instead of five years.

Board Member DiSalvo stated let them do the research.

Rich Williams stated if they don't respond in what you feel is an appropriate amount of time move on.

Board Member Rogan stated I am going to make a motion in Paddock View Estates that the Planning Board recommends to the Town Board that with respect to this application they consider placement of a twenty thousand gallon tank with no well to service it to be located on a parcel of property to be dedicated to the Town and maintained through a Fire District created by the Town not by the homeowner's association.

Rich Williams asked the Secretary did you get that.

The Secretary stated most of it. I will just play the tape. To dedicate and maintain through a Fire District on a parcel created owned by the Town.

Board Member Pierro asked actually should we refine that and say on a parcel that is part of the right of way.

Board Member Rogan stated I think it should be, it shouldn't be part of the right of way. The problem is here is that part of it would overlap in the right of way.

Board Member Pierro stated but I think if it is part of the right of way that would give access for a Town wide Fire Department in order to go to it.

Board Member DiSalvo asked then that lot would be okay.

Vice Chairman Montesano stated if you give right of way that means the Town can designate who has the right to utilize that right of way I believe. This way you are not saying the Fire Department, which is a private incorporated company versus what if the Town decides that we have got sixty tanks, and we are going to hire two guys to come and check the fire tanks.

Board Member Pierro stated and what if the County decides that they are going to have an emergency services unit too standing by, paid fire fighters that also is another issue that may be coming up in the future.

Board Member Pierro stated I will second that recommendation.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Vice Chairman Montesano	-	aye

Motion carried by a vote of 4 to 0.

Board Member Rogan stated for discussion with the Board if we don't get a response back on this by the next, we are in a position on Paddock absence of this issue to grant preliminary approval.

Vice Chairman Montesano asked when is the next the Town Board Meeting.

The Secretary replied the 12th, next week.

Rich Williams stated they can actually draw the lines, show the property is available as part of the right of way without ever doing the tanks. The tanks need to be shown and designed prior to final but we can create the lot and create the lot lines.

Board Member Rogan asked can we ask you to call Dan, relay to him what we have recommended to the Town Board and where we are going with this.

Rich Williams replied I can. Would you rather take it to the Town Board first.

Board Member Rogan asked that will happen.

Board Member DiSalvo stated no this way he has a right to be there that night.

Board Member Rogan stated I think just a phone call just as a heads up and then the follow up call would be after the meeting to say what occurred.

Board Member Pierro stated they may want to attend that Town Board meeting Rich.

Rich Williams stated that is true.

Board Member Rogan stated I think the Planning Board should if we could attend go to that meeting. This way if there is any discussion we can re-voice our opinion.

b. Site Walks

Board Member Rogan asked the last item on your agenda Mike is site walks. I am assuming that discussion is related to this memo that we just got which I have not had a chance to read.

Rich Williams stated it was more along the lines Maria had asked me to give you a memo. I did give you the memo for what she was looking for, we threw it on in relation to that subsequent this came in today.

Board Member Rogan stated I will say that all things that have happened it seems like a big can of worms that we opened and I got a memo that Rich had written to the Town Board in reference to the miscommunication. I never was under the assumption that you decided what site walks we got paid for.

Board Member Pierro stated neither was I Rich.

Board Member Rogan stated what I did say was that customarily it was said that we would get paid for things like subdivisions but normally things like fill permits were normally fairly straight forward or things that we weren't going out on. What I said to the Town Board that night and you were there for that was that my feeling was that if we decide to go out on a site walk, on any site walk we are doing it for good reason and should be compensated for that at the normal rate. I can understand that if we go on four or five site walks on a Saturday morning and we are out for two hours that people are saying hey, four or five site walks that is \$250.00 or whatever that is, is a bit much and I can understand that. What I object to is some of the people that, Board Member Pierro stated were members of these Boards, Board Member Rogan stated that did all that over the years it seems a bit hypocritical. That is why I respect Ginny for saying wait a minute we need to probably look at this a little closer and see where we want to go with that. What I read in the memo, I just skimmed it quick that it looks like they are looking at a percentage of a meeting based on the complexity of the visit.

Vice Chairman Montesano stated one point that they do not as far as I can see bring up and since at least three of them were if not four of them were members of either the Zoning or Planning Board how much time do we devote during the course of, during the week to read this stuff before we get into this meeting. Now, if you are going to come into the meeting without being at least somewhat prepared does that mean now we take this little item and we start to read it now and tell the person wait until we have to read it and that is not part of their consideration either although four of them have done this. I am not saying that, you know you are sitting there you can't get all this information by sitting here like this. We have all sat down and read this stuff,

Board Member Pierro stated I spend hours at it.

Vice Chairman Montesano stated there are times where you spend three or four hours and if something is bugging you to make a note on it or to try to remember that particular you will spend more time on it. Now, no one has ever come in and put in, what do we do, do you want to punch in a clock and say we start now and I will take a break for five minutes, I will get off the clock, we are working like by the hour but basically what we are being told is site walks are going control the entire reason you are here. We are still here and we are still discussing stuff and now we are getting direction on what procedure for the Town to possibly accept.

Board Member Pierro stated again, for the record Richard, for the record we all received your letter and we all spoke before the last meeting but I will tell you that at no time did anyone on this Board after you left that meeting the other night did anyone of us say or intimate that you were controlling what we were getting paid for. What we did say Rich, was that you came to us and said look, we have a little budgetary problem, we are spending a lot of money, you never told us that any person from the Town Board had a concern about a budget. That never came out.

Rich Williams stated it never was a concern. Nobody was talking to the Town Board and this is what I kept trying to urge. Let me back up, first I had three Town Board Members come to me and say the Planning Board said that they were concerned that you were deciding which site walks they get paid for maybe that never happened maybe it did, I wanted it clear,

Board Member Pierro stated Rich, I promise you that never happened.

Rich Williams stated that is fine.

Board Member Pierro stated and listen, just the words we threw Rich Williams under the bus I know where that came from and that was an out and out lie. I promise you it never happened. We discussed and hear me out please that you came to us and said hey, look we are close to our budget and we as a Board agreed that we would do the right thing and not get paid for certain site walks, sign permits, fill permits, whatever it was and we voluntarily agreed to do those gratuitous.

Board Member Rogan stated and we further admitted that what we should have done at that point was had a meeting with the Town Board right then and there.

Board Member Pierro stated and we tried.

Board Member Rogan stated we came off of a very busy year going into a moratorium year is what happened. We came off of a year where as a Board it was before Maria was on. We I think got paid somewhere around \$4,000.00 that one year because it was like my second year on the Board.

The Secretary stated in 2004 it was an extremely high year.

Board Member Rogan stated we were doing five and six site walks. I don't know how many Zoning was doing but it was a lot going on.

The Secretary stated I think Zoning only picked up in the last couple years because of the zoning changes.

Board Member Pierro stated and Rich,

Rich Williams stated Dave that is fine, always a professional, always dealing with things as best as I can as a professional. My only concern why I wrote that memo is to make it absolutely clear that I don't decide which site walks you do, you guys do,

Board Member Pierro stated absolutely.

Rich Williams stated and the issue that I was having and the issue that I had with Herb, Herb knows that I was making him come in and decide who got paid for what site walks when. I put it squarely on the Chairman's responsibility because that is where it belongs and he did not say anything here that night so I took it upon myself to say fine he is not going to say anything make it a Board decision.

Board Member Pierro stated and I understand why you did it and I have no problem with that but my problem was that the Town Board should be setting policy and,

Rich Williams stated and I think that is where they are.

Board Member Pierro stated but we had to wait six months, we asked for a meeting in November prior to the budget, it kept on getting postponed, postponed, and postponed now they want to take what I perceive to be drastic measures.

The Secretary stated but it is not just you now it is Zoning Board too.

Board Member Pierro stated right and you know what it is not right. It is just not right.

Rich Williams stated that is fine make them a counter proposal, make something that you feel is reasonable and justifiable and go back at them.

Board Member Pierro stated we will.

Board Member Rogan stated maybe the context of the way I said for us to decide what I was not saying I think we should be able to say what sites we get paid for what I was saying was if we decide to go out on a site we are not doing it haphazard, we are not saying yeah, I would like to take a look at it what the hell. We are looking at a fill permit tonight that I think has some potential,

Board Member Pierro stated very serious potential.

Board Member Rogan stated that we need to look at. I know that like Mike Griffin said well it is just a fill permit, what is there to look at.

Board Member Pierro stated yeah sure.

Board Member Rogan stated when I read in here that it would be considered arbitrary capricious to the public that we are deciding which sites to get paid for that is not my intent at all. My intent is that if we decide to go out as a Board for a site walk there is a good reason. They should acknowledge that we are making decisions and that is part of being on a Board is making decisions. We are making a decision as a Board to go out maybe the key is maybe we should be voting as a Board whether we go out on a site. We say I think we should go on a site walk, we make a motion, we approve it and that is the tie in for whether or not we get compensated for a site walk.

Board Member Pierro stated but on the record Shawn, I don't as long as I have been involved on this Board I don't think we have ever done a site walk that really didn't require us looking at it.

Vice Chairman Montesano asked how many times especially new Members when you guys came on right when new people came on that we went by to look at something without ever even putting it in. We were out on a site walk we said here let's go over and take a look at this.

Board Member Pierro stated and without being a smart ass but we are talking about a Town Board that granted themselves a 30% raise two years ago.

Ted Kozlowski stated I think it is also difficult nobody from the Town Board ever attends our meetings here.

Board Member Pierro stated occasionally that is not true,

Vice Chairman Montesano stated you have got four members that know,

Board Member Pierro stated occasionally Ed O'Connor will show up.

Ted Kozlowski stated but they really don't understand what you guys are doing.

Vice Chairman Montesano stated Ted you have got four people on the Town Board that were on the Zoning or Planning Board and they were Chairpersons of the Zoning or Planning Board yet they don't want to take that.

Ted Kozlowski stated you guys are looking at challenged sites

Board Member Pierro stated I will make a motion to adjourn this meeting.

Vice Chairman Montesano stated no we have to do the minutes first.

Ted Kozlowski asked when was the last time you had an easy site.

Board Member Pierro stated all the residential lots are marginal.

9) MINUTES

Vice Chairman Montesano made a motion to approve the January 5, 2006, February 2, 2006, February 16, 2006, and February 23, 2006 minutes. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Vice Chairman Montesano	-	aye

Motion carried by a vote of 4 to 0.

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 9:35 p.m.